

## **PROPOSAL**

### **Maryland Register**

**Issue Date: December 28, 2015**

**Volume 42 • Issue 26 • Pages 1609—1611**

# **Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

## **Notice of Proposed Action**

[15-411-P]

The Secretary of Health and Mental Hygiene proposes to amend:

- (1) Regulation **.01 under COMAR 10.02.03 Appeal Hearings to the Division of Reimbursements;**
- (2) The chapter name and Regulations **.01—.03 under COMAR 10.03.02 Release of Confidential Information in the Center for Maternal and Child Health and the Office of Genetics and Children with Special Health Care Needs;**
- (3) Regulation **.03 under COMAR 10.08.02 Construction Funds for Public and Nonprofit Community Mental Health, Addiction, and Developmental Disabilities Facilities;**
- (4) Regulation **.05 under COMAR 10.11.06 Morbidity, Mortality, and Quality Review Committee — Pregnancy and Childhood;**
- (5) Regulations **.02, .03, and .08 under COMAR 10.18.02 HIV and CD4+ Investigations and Case Reporting;**
- (6) Regulations **.03 and .04 under COMAR 10.18.03 AIDS Investigations and Case Reporting;**
- (7) Regulation **.12 under COMAR 10.52.06 Use of Tanning Devices by Minors; and**
- (8) Regulations **.03, .07, and .08 under COMAR 10.52.12 Newborn Screening.**

### **Statement of Purpose**

The purpose of this action is to correct outdated administration and program references to reflect current names.

### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

### **Estimate of Economic Impact**

The proposed action has no economic impact.

### **Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

### **Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to [dhmh.regs@maryland.gov](mailto:dhmh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through January 27, 2016. A public hearing has not been scheduled.

## **Subtitle 02 DIVISION OF REIMBURSEMENTS**

### **10.02.03 Appeal Hearings to the Division of Reimbursements**

Authority: Health-General Article, §2-207, Annotated Code of Maryland

#### **.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(4) (text unchanged)

(5) Recipient of Services.

(a) (text unchanged)

(b) “Recipient of services” includes, but is not limited to an individual:

(i)—(iii) (text unchanged)

(iv) In a facility operated [by the Community and Public Health Administration] *under Public Health Services*.

(6) (text unchanged)

## **Subtitle 03 HEALTH STATISTICS**

### **10.03.02 Release of Confidential Information in the [Center for] Maternal and Child Health [and the Office of Genetics and Children with Special Health Care Needs] Bureau**

Authority: Health-General Article, §§2-104(b), 4-102, 4-301—4-309, and 15-125, Annotated Code of Maryland

#### **.01 Confidential Information.**

All information relating to personal facts and circumstances, such as names and addresses, medical examinations, and financial resources, obtained by the State or local staff administering the programs of the [Center for] Maternal and Child Health [and the Office for Genetics and Children with Special Health Care Needs] *Bureau* shall be treated as confidential and may not be disclosed without the individual's consent, except as may be necessary to provide services to individual mothers and children or as otherwise required by law. Information may be disclosed, however, in summary, statistical, or other form which does not identify individuals.

#### **.02 Disclosure of Confidential Information.**

All records and information shall be held confidential and may not be disclosed without the individual's consent, except as may be necessary to provide services to the individual mother or child or as otherwise required by law. This means that:

A. (text unchanged)

B. Confidential information may be released to other public agencies to the extent that they are authorized to provide services for the health and welfare of the mother or child for whom the patient, or the patient's parent in the case of a minor, has requested services. In these circumstances, the information may be disclosed only if written assurances are given to the [Center for] Maternal and Child Health [or the Office for Genetics and Children with Special Health Care Needs] *Bureau* that:

(1)—(4) (text unchanged)

#### **.03 Responsibility for Confidential Records and Information.**

The [Directors] *Director* of the [Center for] Maternal and Child Health [and the Office for Genetics and Children with Special Health Care Needs] *Bureau*, working under the Secretary of Health and Mental Hygiene:

A.—C. (text unchanged)

## **Subtitle 08 HEALTH FACILITIES GRANTS**

### **10.08.02 Construction Funds for Public and Nonprofit Community Mental Health, Addiction, and Developmental Disabilities Facilities**

Authority: Health-General Article, §§ 2-102, 24-601, et seq.; Article 88A, §§44A—54] Annotated Code of Maryland

#### **.03 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(5) (text unchanged)

(6) "Appropriate administration" means the [Mental Hygiene] *Behavioral Health*, Developmental Disabilities, [or Alcohol and Drug Abuse,] or [Local and Family Health] *Prevention and Health Promotion* Administration.

(7)—(20) (text unchanged)

## **Subtitle 11 MATERNAL AND CHILD HEALTH**

### **10.11.06 Morbidity, Mortality, and Quality Review Committee — Pregnancy and Childhood**

Authority: Health-General Article, §18-107, Annotated Code of Maryland

#### **.05 Membership.**

A. (text unchanged)

B. Ex Officio Members. The Committee shall include the following ex officio members or their designees:

(1)—(3) (text unchanged)

- (4) The Director of the [Family Health] *Prevention and Health Promotion* Administration of the Department;
- (5) The Director of the Maternal and Child Health [Program] *Bureau* of the Department;
- (6)—(18) (text unchanged)
- C.—I. (text unchanged)

## **Subtitle 18 HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION AND ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)**

### **10.18.02 HIV and CD4+ Investigations and Case Reporting**

Authority: Health-General Article, §§2-104(b), 4-101, 4-102, 18-102, 18-103, 18-201.1, 18-202.1, 18-205, 18-207, and 18-215;  
Annotated Code of Maryland

#### **.02 Exemptions.**

- A. (text unchanged)
- B. Application for Exemption. The principal investigator of a research project shall submit all of the following documents to the [AIDS Administration] *Department* in order to apply for an exemption:
  - (1)—(2) (text unchanged)
- C. Approval.
  - (1) The Director of the [AIDS Administration] *Infectious Disease Prevention and Health Services Bureau* or the Director's designee shall review the application submitted under §B of this regulation to determine whether the:
    - (a)—(b) (text unchanged)
  - (2) (text unchanged)
  - (3) The Director shall mail written notification to the applicant of an exemption under this regulation within 30 days of receipt of the application, stating whether the exemption:
    - (a)—(b) (text unchanged)
    - (c) Cannot be processed until further information is provided to the [AIDS Administration] *Department*.
- D.—E. (text unchanged)

#### **.03 Definitions.**

- A. (text unchanged)
- B. Terms Defined.
  - (1) (text unchanged)
  - [(2) "AIDS Administration" means the Administration in the Department dedicated to working with public and private partners to reduce the transmission of HIV and helping individuals infected with HIV and AIDS live longer and healthier lives.]
  - [(3)] (2)—[(19)] (18) (text unchanged)

#### **.08 Responsibility of Health Officer.**

- A.—B. (text unchanged)
- C. Upon receipt of a report from a physician pursuant to Regulation .04 of this chapter, a clinical or infection control practitioner pursuant to Regulation .05 of this chapter, or a laboratory director pursuant to Regulation .06 of this chapter, the health officer shall:
  - (1)—(2) (text unchanged)
  - (3) Submit the HIV/AIDS case report as set forth in Health-General Article, §18-207, Annotated Code of Maryland, to the [AIDS Administration] *Department* if the case of HIV or the case of AIDS or the newborn HIV exposure has not been reported previously; and
  - (4) (text unchanged)
- D. (text unchanged)

### **10.18.03 AIDS Investigations and Case Reporting**

Authority: Health-General Article, §§2-104(b), 4-101, 4-102, 18-102, 18-103, 18-201.1, 18-205, and 18-207, Annotated Code of  
Maryland

#### **.03 Responsibility of Physicians.**

- A. (text unchanged)
- B. A physician who reports a case shall make available to the [AIDS Administration] *Department* the information necessary to compile an AIDS case report as defined in Health-General Article, §18-207, Annotated Code of Maryland.

#### **.04 Responsibility of Health Officer.**

- A.—B. (text unchanged)

- C. Upon receipt of a report from a physician pursuant to Regulation .03 of this chapter, the health officer shall:
- (1)—(2) (text unchanged)
  - (3) Submit the AIDS case report as defined in Health-General Article, §18-207, Annotated Code of Maryland, to the [AIDS Administration] *Department* if the case has not been reported previously; and
  - (4) (text unchanged)

## **Subtitle 52 PREVENTIVE MEDICINE**

### **10.52.06 Use of Tanning Devices by Minors**

Authority: Health-General Article, §20-106, Annotated Code of Maryland

#### **.12 Request for Hearing.**

- A. (text unchanged)
- B. In order to preserve a right to a hearing on a violation with a penalty under this chapter, if a hearing is desired, a person shall submit a written request to the Department's Environmental Health [Coordination Program] *Bureau* under the [Community Health] *Prevention and Health Promotion* Administration for a hearing within 10 days of receipt of the notice of violation with a penalty.
- C.—D. (text unchanged)

### **10.52.12 Newborn Screening**

Authority: Health-General Article, §§13-109, 13-111, and 13-601—13-605, Annotated Code of Maryland

#### **.03 Definitions.**

- A. (text unchanged)
- B. Terms Defined.
  - (1)—(15) (text unchanged)
  - [(16) "Office for Genetics and Children with Special Health Care Needs" means the Office for Genetics and Children with Special Health Care Needs in the Department's Family Health Administration.]
  - [(17)] (16)—[(21)] (20) (text unchanged)

#### **.07 Births in a Birthing Facility.**

- A.—D. (text unchanged)
- E. Hearing Screening. The individual in charge of the birthing facility or the individual's representative shall:
  - (1)—(2) (text unchanged)
  - (3) Record demographic, clinical, and health care provider information required by the [Universal Hearing Screening] *Early Hearing Detection and Intervention* Program in the *Maternal and Child Health Bureau* [Office for Genetics and Children with Special Health Care Needs]; and
  - (4) Transmit the information recorded in §E(1)—(3) of this regulation to the [Universal Hearing Screening] *Early Hearing Detection and Intervention* Program in the [Office for Genetics and Children with Special Health Care Needs] *Maternal and Child Health Bureau* in the format specified by the [Universal Hearing Screening] *Early Hearing Detection and Intervention* Program.

#### **.08 Births Outside a Birthing Facility.**

- A. (text unchanged)
- B. Hearing Screening Tests. The individual required to prepare and file the certificate of birth pursuant to Health-General Article, §4-208, Annotated Code of Maryland, shall:
  - (1)—(3) (text unchanged)
  - (4) Record demographic, clinical, and health care provider information required by the [Universal Hearing Screening] *Early Hearing Detection and Intervention* Program in the [Office for Genetics and Children with Special Health Care Needs] *Maternal and Child Health Bureau*; and
  - (5) Transmit the information recorded in §B(2)—(4) of this regulation to the [Universal Hearing Screening] *Early Hearing Detection and Intervention* Program in the [Office for Genetics and Children with Special Health Care Needs] *Maternal and Child Health Bureau* in the format specified by the [Universal Hearing Screening] *Early Hearing Detection and Intervention* Program.

VAN T. MITCHELL  
Secretary of Health and Mental Hygiene